

U.S. Department of Justice



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January 27, 2022

BY ECF

The Honorable George B. Daniels
United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

The Honorable Sarah Netburn
United States Magistrate Judge
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *In re Terrorist Attacks on September 11, 2001*
No. 03 Md. 1570 (GBD) (SN);
Faulkner v. Bin Laden et al.
No. 09 Civ. 7055 (GBD) (SN) – Potential Participation of
the United States Pursuant to 28 U.S.C. § 517

Dear Judge Daniels and Judge Netburn:

The United States of America (the “United States” or the “Government”) writes respectfully to request additional time to file a Statement of Interest in this matter, or to indicate that the Government will not do so. The Government’s deadline is currently January 28, 2022 (ECF No. 210). The Government requests that it be permitted until February 11, 2022, to make its submission, as it continues to actively consider whether to file a Statement of Interest in this case. This the Government’s first request for an extension of this deadline. The undersigned has conferred with counsel for the Plaintiff in *Faulkner v. Bin Laden et al.*, No. 09 Civ. 7055 (GBD) (SN), as well as counsel for the PECs, who consent to the request and asked that the following be included: Plaintiff and the PECs respectfully ask that if the Court grants the extension sought by the Government, the Court grant a corresponding extension to February 11, 2022, of the deadline for the Plaintiff and the PECs to make their submission. *See* ECF No. 211.

As the Court observed in its prior Order establishing the January 28, 2022 deadline (ECF No. 210), the Government is also slated to file a Statement of Interest in

Hon. George B. Daniels
Hon. Sarah Netburn
January 27, 2022
Page 2

Havlish v. Bin-Laden, No. 03 Civ. 9848 (GBD) (SN) (and the Government anticipates filing the same Statement in *Doe v. The Taliban*, No. 20 Misc. 740 (KPF)). The Government notes that it is separately seeking an extension of time until February 11, 2022, to file its anticipated Statement of Interest in the *Havlish* and *Doe* cases. As the Government has described in its submissions in those cases, over the past several weeks and months, the Government has continued to actively consider the many complicated and important questions of law and policy relating to these matters. Full consultation on these matters is ongoing, requires the significant involvement of numerous senior officials and executive agencies and components, and has been receiving urgent attention at the highest levels of Government. The Government requires additional time to complete this process, consider and prepare its submission in this case, and obtain necessary approvals within the involved agencies and the Department of Justice. If the United States determines before February 11, 2022, that it does not intend to participate in this matter, it will immediately notify the Court.

The United States appreciates the Court's consideration of this request.

Respectfully,
DAMIAN WILLIAMS
United States Attorney

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cc: All counsel of record (via ECF)